IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21733 of 2004

Between:

B.Prabhakar S/o.Lakshmaiah
A.P.S.R.T.C Husnabad Depot, Karimnagar Dist.

..... PETITIONER

AND

The Depot Manager APSRTC.,
Husnabad Depot, Karimnagar Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari and to call for the records relating to and connected with the order No.E1/255(4)/2004-HSBD dt 27-10-2004 and quash or set aside the same with all consequential benefits.

Counsel for the Petitioner:MR.P.KISHORE RAO

Counsel for the Respondent : SMT.P.RAJANI REDDY

The Court at the admission stage made the following :

ORDER:

Questioning the orders issued by the respondent dated 27-10-2004 with E1/255(4),2004 HSBD, the present writ petition is filed.

The learned counsel appearing for the petitioner contended that having served 20 years service in Corporation, it is unjustified for placing the petitioner under suspension pending enquiry and that due to some Union rivalry, the petitioner was falsely implicated and therefore, he prays to set-aside the suspension orders.

The learned counsel for the respondent opposed the writ petition on the ground that it is only a suspension pending enquiry and therefore, there is no need to quash the proceedings.

Normally this court will not interfere with suspension pending enquiry unless the jurisdiction of the person who issued the suspension order is under challenge. The authority of the Depot Manger to place the writ petitioner under suspension is not under challenge.

As seen from the suspension order, it is alleged that the petitioner seems to have produced a false S.S.C. certificate at the time of appointment as Conductor and therefore, basing on the allegations, the petitioner was placed under suspension. So the suspension cannot be said to be not in accordance with law. Therefore, the impugned order does not suffer from any legal infirmity so as to call for interference

of this court. However, the respondent corporation is directed to complete the enquiry within a period of 3 months from the date of receipt of a copy of this order. If any documents are required in the enquiry by the petitioner, the same shall be furnished to the petitioner on written application.

The Writ Petition is disposed of accordingly. No costs.

JCB,J

Stp

26-11-2004

To

1. The Depot Manager APSRTC.,
Husnabad Depot, Karimnagar Dist.

2. 2CD copies

THE HON'BLE MR JUSTICE K.C. BHANU

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